



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 076-09 2 WEST MISSION STREET MEDICAL CANNABIS DISPENSARY PERMIT SEPTEMBER 9, 2009

**APPLICATION OF FRANCISCA MELUSINA EDWARDS, APPLICANT FOR THE SANTA BARBARA GREENCARE COLLECTIVE, 2 WEST MISSION STREET, APN 025-311-013, C-2 ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND OFFICE (MST2009-00314)**

The project consists of the establishment of a medical cannabis dispensary in a 600 square foot commercial tenant space located at 2 West Mission Street.

The discretionary application required for this project is a Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 (Existing Facilities).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, three people appeared to speak in favor of the application, and two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 2, 2009.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Mogly's Cavalosti, 2007 State Street, Santa Barbara, Ca
  - b. Brenno M. Ressa, 2530 Las Positas Road, Santa Barbara, Ca
  - c. Chelsea Winkelmeyer, 1129 N. Patterson Avenue, Santa Barbara, Ca
  - d. Romelia Alvarado, 123 W. Sola Street Unit 1, Santa Barbara Ca
  - e. Cheryl Keyes, 123 W. Sola Street Unit 7, Santa Barbara, Ca
  - f. Beta-Raquel Rivera, PO Box 735, Santa Barbara, Ca
  - g. Lynett Simpson, 210 Old Mill Road Unit 36, Santa Barbara, Ca
  - h. Hadi Arfaei, 308 Oceano Avenue, Santa Barbara, Ca
  - i. Barbara J. Ellis, 2330 Chapala Street, Santa Barbara, Ca

- j. Edward Steinfeldt, 122 E. Arrellaga Street, Santa Barbara, Ca
- k. Vincent J. Amore, 1426 Laguna Street Unit C, Santa Barbara, Ca
- l. Renee Basile, 1027 Cacique Street, Santa Barbara, Ca
- m. Crecencio Cabrera, 2034 Bath Street Unit 2, Santa Barbara, Ca
- n. Pascual Correa, 2215 Santa Barbara Street, Santa Barbara, Ca
- o. Gloria C. Garcia, 2034 Bath Street Unit 2, Santa Barbara, Ca
- p. Agustin Gonzalez, 83 N. La Cumbre Road Unit 4, Santa Barbara, Ca
- q. Margarita G. Mdel, 83 N. La Cumbre Road Unit 4, Santa Barbara, Ca
- r. Rosie M. Scherf, 408 Santa Fe Place Unit 3, Santa Barbara, Ca
- s. Charles B. Butler, 635 Micheltorena Street, Santa Barbara, Ca
- t. Tammi Medeiros, 2923 La Combadura Road, Santa Barbara, Ca
- u. Thomas Taylor, 2530 Las Positas, Santa Barbara, Ca
- v. Susan McKnight, 550 Flora Vista Drive, Santa Barbara, Ca
- w. Margaret Douville, 1432 Portesuello Avenue, Santa Barbara, Ca
- x. Dennis R Douville, 1432 Portesuello Avenue, Santa Barbara, Ca
- y. Janal Andrews, 4541-F Oaks glen Drive, Santa Barbara Ca
- z. Shayne Kleinebecker, 1315 Anacapa St, Unit B, Santa Barbara, Ca
- aa. Margo Wagner, 16 W. Pedregosa Street, Santa Barbara, Ca 93101
- bb. Kirsten Magnussen, 25 W. Mission St, Unit B, Santa Barbara, Ca
- cc. Samson Kassay, 1900 Chapala, Unit 6, Santa Barbara, Ca
- dd. Eileen Bryan, 2030 State Street, Unit 6, Santa Barbara, Ca
- ee. Jeff Fine, 2030 State Street, Suite 3, Santa Barbara, Ca
- ff. Ryan Woosley, 21 W. Padre Street, Santa Barbara, Ca
- gg. Edward R. McNall, 16 ½ Pedregosa Street, Santa Barbara, Ca
- hh. Anne Rydfors, 2030 State Street, Suite 5, Santa Barbara, Ca
- ii. Lois Prince, 22 W. Pedregosa Street, Santa Barbara, Ca
- jj. Jen Blankendeckler, 21 W. Padre Street, Santa Barbara, Ca
- kk. Sarada Lewis, 32 E. Padre Street, Santa Barbara, Ca
- ll. Darren C. Sullivan, 2030 State Street Suite 18, Santa Barbara, Ca
- mm. Ken Sherman, 2030 State Street, Santa Barbara, Ca
- nn. Susan Beril, 19 W. Padre Street, Santa Barbara, Ca

- oo. Kevin Brun, 28 W. Pedregosa Street Unit 3, Santa Barbara, Ca
  - pp. Karl P. Bradford, 15 W. Pedregosa Street, Santa Barbara, Ca
  - qq. Mehrdad Fetrat, 28 W. Pedregosa Street Unit 12, Santa Barbara, Ca
  - rr. Marsha Fritzen, 24 W. Pedregosa Street, Santa Barbara, Ca
  - ss. Maggie Gold, 24 W. Pedregosa Street Unit C, Santa Barbara, Ca
  - tt. Susan McKnight, 550 Flora Vista, Santa Barbara, Ca
  - uu. Joycelyn M. Kremer, 28 W. Pedregosa Street Unit 2, Santa Barbara, Ca
  - vv. BiBi Moezn, 28 W. Pedregosa Street Unit 4, Santa Barbara, Ca
  - ww. Thomas Vames, 28 W. Pedregosa Street, Santa Barbara, Ca
  - xx. Victoria Zermeno, 7329 Hillsboro Street, Goleta, Ca
  - yy. Francisco Fragoso, 1231 Blanchard Street, Santa Barbara, Ca
  - zz. Silvia E. Fragoso, 1231 Blanchard Street, Santa Barbara, Ca
  - aaa. Two petitions containing a total of 649 signatures in support (5 petition signers also submitted letters in support).
4. Correspondence received in opposition to the project:
- a. Patricia Thompson Perry, Alisos Investment Company, Inc., 2175 Alisos Drive, Santa Barbara Ca
  - b. Elvina Geauque, 5 W. Padre Street, Santa Barbara, Ca
  - c. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:
- A. **MEDICAL CANNABIS DISPENSARIES (SBMC Chapter 28.80)**
- 1. The dispensary permit complies with the limitations on the permitted locations of a dispensary pursuant to Section 28.80.060 of the Zoning Ordinance, as described in Section VI.A of the staff report.
  - 2. The dispensary permit complies with the criteria set forth in Section 28.80.090 (Criteria for Review of Dispensary Applications) of the Zoning Ordinance, as explained in Section VI.B of the Staff Report and the Applicant's submittal.
  - 3. This dispensary permit is approved conditioned upon compliance with the operational requirements specified in Section 28.80.070 of the Zoning Ordinance and the conditions of approval outlined in Exhibit A.


II. Said approval is subject to the following conditions:

1. This Medical Cannabis Dispensary Permit is conditioned upon continued compliance with the operational standards specified in Santa Barbara Municipal Code section 28.80.070.
2. Applicant shall operate the dispensary in accordance with the application information submitted to the City Planning Division on June 30, 2009 and plans submitted August 24, 2009.
3. Prior to commencement of the business, the tenant improvements and modifications to the floor plan in conformance with the revised floor plan submitted June 9, 2009, or as modified City Building Official, shall be completed and shall have cleared final building inspection. The applicant shall obtain a Building Permit for said interior changes.
4. Prior to the anniversary date of the issuance of this permit, the operator shall submit an annual renewal fee, if such fee is established by the City Council.
5. The security/site plan shall be revised to include a total of twelve (12) cameras, including seven (7) outside and five (5) inside.
6. Applicant shall apply for an alarm system permit. Said alarm system shall be installed and registered per SBMC Chapter 9.100 and shall meet the requirements of the Santa Barbara Police Department.
7. The street front windows shall be kept clear of any obstructions including any interior or exterior window treatments to facilitate visibility from the street, unless otherwise approved by the Police Department. The front lobby shall not have any signs or obstructions that would limit visibility of the lobby from Mission Street.
8. Prior to the issuance of a Building Permit, the operator of the dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.
9. In order to comply with SBMC §28.80.070.A., prior to any involvement with the dispensary, all new employees, volunteer workers, or any person exercising managerial authority over the dispensary shall apply for and obtain a background check cleared through the City Police Department prior to commencement of activities associated with the dispensary.
10. The hours of operation for the dispensary shall be limited to between 10:00 a.m. and 7:00 p.m.

11. The security personnel hired to comply with SBMC Section 28.80.090.B.9 shall be licensed by the California Bureau of Security and Investigative Services. The licensed security personnel's responsibilities shall include enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.
12. Exterior lighting shall be reviewed and approved by the Architectural Board of Review.
13. The front entry door shall not be recessed.

This motion was passed and adopted on the 9th day of September, 2009 by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.

  
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Gloria Shafer, Staff Hearing Officer Secretary

9-15-2009  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Historic Landmarks Commission (HLC) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.